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Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Ms. Susan Damron  
City of Los Angeles  
Department of Water and Power  
111 North Hope Street, Room 1213  
Los Angeles, California 90012

### **CONDITIONAL CERTIFICATION FOR PROPOSED DRY CANYON CREEK CULVERT RESTORATION PROJECT (Corps' Project No. 2003-01537-AOA), DRY CANYON CREEK (EPHEMERAL), ANGELES NATIONAL FOREST, LOS ANGELES COUNTY (File No. 03-142)**

Dear Ms. Damron:

Regional Board staff has reviewed your request on behalf of the City of Los Angeles, Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on November 14, 2003.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

December 29, 2003

\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
Date

**California Environmental Protection Agency**



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*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## **DISTRIBUTION LIST**

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## ATTACHMENT A

### Project Information File No. 03-142

1. Applicant: Ms. Susan Damron  
City of Los Angeles  
Department of Water and Power  
111 North Hope Street, Room 1213  
Los Angeles, California 90012  
  
Phone: (213) 367-0279      Fax: (213) 367-3377
2. Applicant's Agent: Mr. Brian Schweickert  
City of Los Angeles  
Department of Water and Power  
111 North Hope Street, Room 1213  
Los Angeles, California 90012  
  
Phone: (213) 367-4944      Fax: (213) 367-3377
3. Project Name: Dry Canyon Creek Culvert Restoration Project
4. Project Location: Dry Canyon Creek, near Highline Road adjacent to San  
Francisquito Power Plant Transmission Line Tower 6A6  
  
Angeles National Forest, Los Angeles County  
  
Longitude: 118° 30' 40"W; Latitude: 34° 31' 34"N  
Township 4 North      Range 16 West  
  
Section 12 of the Warm Spring Mountain Quadrangle  
of the USGS 7.5 Minute Topographic Map Series
5. Type of Project: Culvert Restoration
6. Project Description: *Purpose:*  
  
To repair and slightly modify an existing 72-inch diameter steel  
culvert stream crossing that was damaged by the June 2002 Copper  
Hills Fire event.  
  
The specified repair work is required to restore and maintain access  
to the Drinkwater Junction Transmission Line that was damaged in  
the June 2002 Copper Hills fire.

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#### *Description:*

The LADWP proposes to repair and slightly modify an existing 72-inch diameter steel culvert stream crossing headwalls and install upstream and downstream aprons as part of its Transmission Line Access Road Repair project within the Copper Hills fire area. The project will affect an ephemeral tributary (Dry Canyon Creek) to the Santa Clara River in north central Los Angeles County.

The planned culvert crossing repair project area is located on the existing Los Angeles Department of Water and Power (LADWP) transmission line access road in the Angeles National Forest. The LADWP's upstream and downstream wood headwalls of the existing 72-inch culvert were destroyed in the fire. The existing vertical slopes resulting from the burned out headwalls need to be stabilized to minimize future erosion damages.

The planned work upstream consists of removing approximately 8' of the existing culvert, installing a 20-degree corrugated metal pipe (cmp) elbow, installing approximately 9.5' of cmp, and a metal flared end section. Fill will be placed at a 1.5:1 slope over the new culvert sections. The new fill slope will transition into the existing east bank of the stream and a 1.5:1 cut slope on the existing west bank. The existing streambed and west bank will be graded so the existing triangular channel transitions to a trapezoidal channel to accommodate the new flared end section. The grading will be from the flared end section to approximately 40' upstream. The amount of material being removed varies from 0' at the upstream end of the modification, approximately 4' at the west corner of the flared end section, and approximately 1' at the east corner of the flared end section.

The planned work downstream consists of installing approximately 20' of cmp and a metal flared end section at the end of the existing culvert. Fill will be placed at a 1.5:1 slope over the new culvert sections. The new fill slope will transition into the existing stream banks. Stone riprap will be installed in the existing streambed from the end of the flared end section to approximately 12' downstream. Shotcrete will be installed on the stream banks, approximately 7' high, from the top of the culvert to the downstream end of the riprap. Fill material will have to be placed below the new culvert sections because the existing streambed is eroded. Material will

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have to be excavated from the streambed to accommodate the riprap.

- |  |   |
|--|---|
| 7. Federal Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP No. 14 (Permit No. 2003-01537-AOA)  |
| 8. Other Required Regulatory Approvals:                              | California Department of Fish and Game<br>Streambed Alteration Agreement (Notification No. R5-2003-0110)  |
| 9. California Environmental Quality Act (CEQA) Compliance:           | The City of Los Angeles, Department of Water and Power approved the project's Notice of Exemption from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). on June 18, 2003.   |
| 10. Receiving Water:   | Dry Canyon Creek, an ephemeral drainage, a tributary to the Santa Clara River (Hydrologic Unit No. 403.51)  |
| 11. Designated Beneficial Uses:                                      | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, BIOL, RARE, MIGR, SPWN, SHELL, WET  |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (unvegetated streambed): 0.10 temporary and 0.03 permanent acres   |
| 13. Dredge Volume:   | 0 cubic yards   |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.  |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• All mature, native trees within the work area will be avoided (diameter greater than 4-inches);</li><li>• Work will not occur in standing or flowing water;</li><li>• No stream diversion or damming will occur;</li><li>• All construction related trash and debris will be contained and removed from the site;</li></ul> |

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- All disturbed areas within the work area will be re-contoured to pre-construction conditions; and
- Disturbed areas will be hand-broadcast, seeded with a mix approved by USFS and CDFG.

16. Proposed  
Compensatory  
Mitigation:

As an alternative, the Applicant has proposed to provide funding to a third party organization for 0.16 acres of wetland creation or restoration.

17. Required  
Compensatory  
Mitigation:

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

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### Conditions of Certification File No. 03-142

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

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### Conditions of Certification File No. 03-142

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
9. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where activities involve areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the



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Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

11. All construction activities not included in this certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore the proposed **0.10 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
14. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.10 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (0.10 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.03 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 2:1 area replacement ratio (0.06 acres). As an alternative, the Applicant has chosen to provide adequate funding to a third party organization for the creation or restoration of a total of 0.16

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acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Santa Clara River Watershed to the extent feasible unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

15. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
16. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas. Additionally, the Applicant shall submit a site description, including dimensions of project and mitigation areas, and pre and post- project photographs.
17. The project proponent shall submit an **Annual Report** by **January 1<sup>st</sup> each year**. The report shall describe in detail all of the construction activities actually performed. This report shall include as a minimum, the following documentation:
  - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions organized in an easy to interpret format;
  - (b) The overall status of project including a detailed schedule of work;
  - (c) Copies of all permits revised as required in Additional Condition 1; and
  - (d) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
18. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved.
19. All applications, reports, or information submitted to the Regional Board shall be signed:

**Conditions of Certification**  
**File No. 03-142**

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
(Signature)  
(Title)''

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24. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
25. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
26. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
27. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
  - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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- (c) In response to any violation of the conditions of this certification, the SWRCB or RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
28. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination if the project as described has not been completed. Renewals may be granted in **five-year (5-year)** increments, are subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.